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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,199	05/09/2003	Markku Lahteenmaki	876.0001.U1 (US)	8079
29683	7590	04/29/2004	EXAMINER	
HARRINGTON & SMITH, LLP			KIM, AHSHIK	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	
			2876	

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/049,199	LAHTENMAKI ET AL. <i>AK</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ahshik Kim	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 2/9/04 (Response).

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-15 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 09 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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## DETAILED ACTION

### *Response*

1. Receipt is acknowledged of the response filed on February 9, 2004. Without amending  
5 any claims, Applicant traversed all rejections made in previous Office Action. Currently, claims  
1-15 remain for examination.

### *Claim Objections*

2. Claims 1, 10, and 12-14 are objected to because of the following informalities:
- 10 Re claim 1, line 6: substitute "it" with --said smart card reader--.
- Re claim 10, line 2: substitute "it" with --said card reader--.
- Re claim 10, line 6: substitute "it" with --said smart card reader--.
- Re claim 12, line 6: substitute "it" with --said smart card reader--.
- Re claim 13, line 4: substitute "it" with --said card reader--.
- 15 Re claim 14, line 2: substitute "it" with --said communications terminal--.
- Use of pronoun such as "it" is generally avoided in the claim language in order to reduce ambiguity. Applicant is not directed to rephrase them as suggested above. Phrase need to be reworded without using "it".

Appropriate correction is required.

20

### *Claim Rejections - 35 USC § 102*

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10 4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig et al.  
(US 6,697,352, “Ludwig” hereinafter).

Re claims 1-7 and 9-15, Ludwig teaches communication system comprising a plurality of mobile devices or terminals (see abstract; figure 6; col. 1, lines 11+) communicate via radio waves (col. 4, lines 33). As shown in figures 3, and 2, the system is comprised of several protocol layers including application layer and transport layer (col. 17, lines 15+). As further illustrated in figure 2, a determination is made whether higher layer packet is received (see figure 1; col. 10, lines 48+). Received packet is considered an application data itself, and can contain various data belonging to each layer as disclosed in figure 5. By classifying each segment of data for their designed function, application packet is converted into at least a transmission layer command. The mobile device can be a lap top computer, which reads PCMCIA card (col. 2, lines 61+).

Re claim 8, the communication infrastructure include wireless network (col. 17, lines 35+).

***Response to Remarks***

5. Applicant's remarks filed on February 9, 2004 have been carefully considered. Although previously cited reference to Wang suggested some subject matter recited in the claims, additional search was conducted to find a reference whose embodiment is similar to the embodiment envisioned in this Application. Examiner also notes that no claims were amended in the response. Accordingly, this Office Action is made non-final.

***Conclusion***

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Sato et al. (US 6,612,486); Linden et al. (US 6,549,773); Landry et al. (US 6,687,350); Malmivirta et al. (US 6,680,913); Sugiyama (US 6,678,863); Raith (US 6,493,550); Wilkinson et al. (US 6,308,317) disclose smart card and wireless communication system. Applicant is respectfully suggested to carefully review these references.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

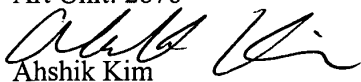
*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim

Patent Examiner

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April 23, 2004